

**In The Court Of Appeal Of The State Of California
Sixth Appellate District
San Jose, California**

MONDAY, NOVEMBER 23, 2009

H032372 BADER v. ANDERSON et al.

The judgment of dismissal is affirmed. (partial publication)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed November 23, 2009

H032966 STANFORD UNIVERSITY v. ROBERT

The order in Stanford's favor enjoining workplace violence or credible threats of violence by Robert is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed November 23, 2009

H033753 MILETAK v. DAVI, as Real Estate Commissioner, etc.

To the extent the trial court's order denied Miletak's writ petition, it is affirmed. To the extent the order denied Miletak's motion for reconsideration, we partially dismiss the appeal as being from a nonappealable order. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed November 23, 2009

H033722 PEOPLE v. A.D.

The juvenile court's order is reversed. On remand, the juvenile court shall (1) exercise its discretion to declare each of the Vehicle Code section 23153 offenses to be either a felony or a misdemeanor and, if necessary, recalculate the maximum time of confinement, and (2) modify its suspension order to reflect a two-year suspension rather than a three-year suspension. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed November 23, 2009

H032973 NOFTSINGER v. ROBERT

The order enjoining harassment of Noftsinger by Robert is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed November 23, 2009

**In The Court Of Appeal Of The State Of California
Sixth Appellate District
San Jose, California**

Monday, November 23, 2009 (continued)

H032514 RODRIGUEZ v. HEWLETT PACKARD CO., et al.

The order, deemed as one of dismissal, is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed November 23, 2009

TUESDAY, NOVEMBER 24, 2009

H033176 PEOPLE v. PAGE

The judgment is reversed, and the matter is remanded to the trial court for the sole purpose of permitting the court to reconsider the amount that should be imposed for the Penal Code section 290.3 fines and their associated assessments. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed November 24, 2009

The following cases are submitted this date:

H033380 PEOPLE v. RUIZ

H034555 In re J.C., et al.; D.F.C.S. v. J.C.

H033525 PEOPLE v. PLUMEAU

H033231 PEOPLE v. LEE

H033193 CAROL GILBERT, INC. v. HALLER

The order denying defendant's motion to vacate is reversed. The trial court is directed to grant the motion, vacate the judgment, and set aside the underlying default. (published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed November 24, 2009

H033266 STANDARD MICROSYSTEMS CORPORATION v. WINBOND ELECTRONICS CORPORATION, et al.

The judgment is reversed with directions to set aside the underlying default. (published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed November 24, 2009

**In The Court Of Appeal Of The State Of California
Sixth Appellate District
San Jose, California**

Tuesday, November 24, 2009 (continued)

H031591 BERG & BERG ENTERPRISES, LLC v. BOYLE, et al.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: November 24, 2009

*Before Mihara, Acting P.J., McAdams, J. and Duffy, J.

H032568 PEOPLE v. AHMAD

By the Court:

On the court's own motion, the submission order of September 3, 2009, is hereby vacated. The court by separate letter issued November 24, 2009, has requested supplemental briefing from the parties in the related habeas corpus petition. The cause will be resubmitted upon completion of supplemental briefing in H033529, In re Jamil Ahmad on Habeas Corpus.

Dated: November 24, 2009 Rushing, P.J.

WEDNESDAY, NOVEMBER 25, 2009

H033721 PEOPLE v. I.R.

The judgment of wardship is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed November 25, 2009

H033161 ALIGN TECHNOLOGY, INC. v. TRAN et al.

The judgment is reversed. The case is remanded with instructions that the court enter an order sustaining the demurrer to Align's complaint with leave to amend. (published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed November 25, 2009

H032319 SEPKA v. GLOBAL FACTORY.NET, INC.

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed November 25, 2009

**In The Court Of Appeal Of The State Of California
Sixth Appellate District
San Jose, California**

Wednesday, November 25, 2009 (continued)

H033649 PEOPLE v. SETTLE

The superior court is ordered to modify the abstract of judgment to reflect fines of \$200 each under sections 1202.4 and 1202.45. As modified, the judgment is affirmed. (not published) (McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed November 25, 2009

H032183 DAVIS v. FIRST HEALTH GROUP CORPORATION

The order denying preliminary injunction is affirmed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed November 25, 2009

H033001 TEJADA v. TEJADA

The June 2008 judgment of nullity is affirmed. (published) (McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed November 25, 2009

H034040 DUNCAN, as ADMINISTRATOR, etc. v. WCAB and XYZZX SJ02

The COLAs found in section 4659, subdivision (c) should be applied to life pensions or total permanent disability compensation as from January 1, 2004. Accordingly, the Decision of the Worker's Compensation Appeals Board is annulled and the case is remanded to the WCAB for further proceedings. (published)

(Elia, J.; We concur: Premo, Acting P.J., Duffy, J.)

Filed November 25, 2009